



PART II—Section 1

No. 26] NEW DELHI, MONDAY, SEPTEMBER 7, 1959/BHADRA 16, 1881 (Saka)

(Legislative Department)

New Delhi, the 7th September, 1959/Bhadra 16, 1881(Saka)

No. 4 OF 1959

Promulgated by the President in the Tenth Year of the
Republic of India

A Regulation to provide for the survey of lands and the settlement of boundary disputes in the Union territory of the Laccadive, Minicoy and Amindivi Islands.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

PRELIMINARY

- | | |
|--|-------------------------|
| 1. (1) This Regulation may be called the Laccadive, Minicoy and Amindivi Islands Survey and Boundaries Regulation, 1959. | Short title and extent. |
|--|-------------------------|

- (2) It extends to the whole of the Union territory of the Laccadive, Minicoy and Amindivi Islands.

2. In this Regulation, unless the context otherwise requires,— **Definitions.**
 (a) "Administrator" means the Administrator of the Islands;

(b) "cowledar" means a person who has been or is granted a lease of pandaram land or for a specified period, any of the conditions of such lease is that he makes improvements thereto;

(c) "Islands" means the Union territory of the Laccadive, Minicoy and Amindiv Islands;

(d) "land-owner" means a person

(i) who is the proprietor of a parcel of land under the customary law of the Islands, or

(ii) who is shown as holding land as a lessee thereof in the Government accounts; or

(iii) who is shown as holding pandaram land as a cowledar in the Government accounts; or

(iv) whose name is registered as owner in any register maintained by the Administrator or by any of his assistants authorised by him in this behalf.

(e) "pandaram land" means land in which Government has a proprietary right;

(f) "prescribed" means prescribed by rules made under this Regulation;

(g) "survey" includes all operations incidental to the determination, measurement and record of a boundary, or any part of a boundary and includes a re-survey;

(h) "survey mark" means any mark or object erected, made, employed or specified by a survey officer to indicate or determine the position or level of any point or points;

(i) "survey officer" means any person appointed to be a survey officer under section 3.

Appoint-
ment of
survey officer

3. (1) The Administrator may, by notification in the Official Gazette, appoint any person to be a survey officer for all or any of the purposes of this Regulation.

(2) Subject to the control of the Administrator and of any officer or authority appointed by him in this behalf, every person appointed under sub-section (1) shall exercise the powers and perform the duties of a survey officer within such local limits and for such periods of time as the Administrator may direct.

CHAPTER III

SURVEY OF LANDS

Power of Administrator to order survey of lands or boundaries of lands.

Whenever he thinks fit, by notification in the Official Gazette, order that a survey shall be made of any land situated on the islands or of any boundary of such land.

Notification to be published by survey officers.

5. (1) When a survey is ordered under section 4, the survey officer shall publish a notification in the prescribed manner inviting all persons having any interest in the land the survey of which has been ordered or in the boundaries of such land, to attend either in person or by agent at a specified place and time and from time to time thereafter when called upon for the purpose of pointing out boundaries and supplying information in connection therewith.

(2) A notification published under subsection (1) shall be held to be a valid notification to every person having interest in the land the survey of which has been ordered or in the boundaries of such land.

6. The survey officer shall carry out the survey in the prescribed manner.

7. (1) The survey officer shall have power to determine and record as undisputed any boundary in respect of which no dispute has been raised.

(2) Notice of every decision of the survey officer under subsection (1) shall be given in the prescribed manner to the land-owners the boundaries of whose lands may be affected by his decision.

8. (1) Where a boundary is disputed, the survey officer, after making such inquiry as he considers necessary, shall determine the boundary and record it in accordance with his decision and he shall also record in writing the reasons for his decision.

(2) Notice of every decision of the survey officer under subsection (1) shall be given in the prescribed manner to the parties to the dispute and other land-owners, the boundaries of whose lands may be affected by his decision.

Power of Administrator to order survey of lands or boundaries of lands.

Notification to be published by survey officers.

Notification to be published by survey officers.

Survey officer to carry out survey in the prescribed manner.

Power of survey officer to determine and record an undisputed boundary.

Power of survey officer to determine and record a disputed boundary.

Appeals
against
orders under
section 7
or 8.

9. (1) Any person affected by a decision under section 7 or section 8 may appeal to the prescribed officer.

(2) The decision of the appellate authority with the reasons therefor shall be recorded in writing, and notice of such decision shall be given in the prescribed manner to the parties to the appeal.

(3) Any modification of the survey officer's decision ordered by the appellate authority shall be noted in the record prepared under section 7 or section 8, as the case may be.

(4) A copy of the order and a copy of the map recording the boundaries as determined under section 7 or section 8 or sub-section (2) of section 9, shall be furnished to any person interested in such order or map, as the case may be, on his application and at his cost.

Period with-
in which
appeal
should be
preferred.

10. (1) An appeal under section 9 shall be preferred within six months from the date of service of notice under section 7 or section 8:

Provided that in computing such period the time requisite for obtaining a copy each of the decision and of the map, and also, if necessary, all or any of the months of June, July, August and September, shall be excluded.

(2) No appeal preferred after the expiry of the said period shall be admitted:

Provided that the appellate authority may admit an appeal after the expiry of the said period on being satisfied that the appellant had good and sufficient cause for not preferring the appeal within the said period.

Explanation.—The fact that notice under section 7 or section 8 was not served personally on the appellant shall be deemed to be good and sufficient cause within the meaning of the foregoing proviso.

(3) No appeal shall be admitted under sub-section (2) after the issue of the notification specified in section 11.

Completion
of demarca-
tion to be
notified.

11. (1) When the survey of any land or boundary which has been notified under section 4, has been completed in accordance with the orders passed under section 7, section 8 or section 9, the survey officer shall notify the fact in the Official Gazette and a copy of such notification shall be posted in the Cutchery of the Amin or the office of the Tahsildar, if any, of the Islands.

(2) Unless the survey so notified is modified by a decree of a civil court under the provisions of section 12, the record of the survey

shall be conclusive proof that the boundaries determined and recorded therein have been correctly determined and recorded.

12. (1) Any person deeming himself aggrieved by the determination of any boundary under section 7, section 8 or section 9 may institute a suit within three years from the date of the notification under section 11 to set aside or modify the said determination and the survey shall, if necessary, be altered in accordance with the final decree in the suit and the alteration, if any, shall be noted in the record.

Institution of suit in civil court within three years to establish right claimed in respect of the boundary of the property surveyed.

(2) The plaintiff in such suit shall join as parties to it all persons whom he has reason to believe to be interested in the boundary which is the subject of the suit.

(3) No suit under this section shall be instituted in any court after the expiry of the period of three years aforesaid:

Provided that in computing such period the time requisite for obtaining a copy each of the decision and of the map shall be excluded.

13. (1) Subject to such conditions as may be prescribed in this behalf, every land-owner shall be bound to maintain, renew and repair the survey marks on or within the boundaries of his land and in default of his doing so, the survey officer or Administrator may, at the cost of Government, maintain, renew and repair such survey marks, determine and apportion the cost of so doing, and recover such cost from the land-owner concerned as if it were payable under a decree of a civil court and such cost may include the cost of all operations incidental to such renewal or repair but not any charges on account of survey officers and supervising establishment.

Land-owners responsible for maintenance of survey marks.

(2) Before the survey officer or Administrator takes steps to maintain, renew or repair any survey marks, he shall serve a notice in writing on the land-owner in the prescribed manner giving particulars of the survey marks in respect of which default has been committed calling upon him to maintain, renew or repair the same within a time to be specified in such notice which shall be not less than thirty days from the date of service thereof.

(3) If the notice under sub-section (2) cannot be served personally on the land-owner, a copy of the same shall be served on the cultivator or other person interested in the land.

Duties of
Amin,
Gumastha
and Karani.

14. It shall be the duty of every Amin, Gumastha and Karani of the Islands,

of any survey mark on or within the limits of his jurisdiction; and

when he becomes aware that any such mark has been destroyed, altered, removed or altered, to report the fact without delay to the prescribed officer.

(CHAPTER III)

MISCELLANEOUS

Power to
enter upon,
examine and
clear ob-
struction on
lands.

15. For the purposes of any survey, inquiry or other proceedings under this Regulation, the survey officer or the Administrator or any of the subordinates of such officers shall have power to enter upon, examine and measure any land under survey and to clear by cutting down or removing any trees, jungle fences, standing crops or other material obstructions, boundaries or other lines, the clearance of which may be necessary for the purposes of the survey.

Power to
summon
witnesses and
require the
production
of docu-
ments.

16. Any survey officer generally or specially authorized in that behalf, or the Administrator or any officer to whom an appeal is preferred under any of the provisions of this Regulation may for the purposes of rendering assistance in the survey of any land, summon and enforce the attendance of any person who has an interest therein and may, for the purposes of any survey, inquiry or other proceedings under this Regulation, summon and enforce the attendance of any person for giving evidence and for the production of documents in the prescribed manner.

Reference to
arbitration.

17. (1) The Administrator or the survey officer may, with the consent of all the parties concerned, refer to arbitration any dispute as to a boundary.

(2) The decision of the Administrator or the survey officer passed in accordance with such award shall be conclusive between the parties to such arbitration and those claiming under them.

Delegation
of powers
and duties.

18. The Administrator may, by general or special order in writing, direct that all or any of the powers or duties which may be exercised or discharged by him under the provisions of this Regulation except those under this section and section 20, shall in such

circumstances and under such conditions, if any, as may be specified in the order, be exercised or discharged and by any officer or authority specified in this behalf in the order.

19. No suit, prosecution or other legal proceeding shall lie against any person for or in respect of anything in good faith done or intended to be done under this Regulation or any rule or order made thereunder.

Protection of action taken under Regulation.

20. (1) The Administrator may, by notification in the Official Gazette and subject to the condition of previous publication, make rules to carry out the purposes of this Regulation.

Power of Administrator to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

2022. JIJATODATAN H O

(a) specify for different localities the unit of survey, the sub-divisions thereof and the description of the survey marks and provide for the maintenance, renewal and repair of such marks;

(b) provide for the collection and record of any information in respect of any land which has been or is about to be surveyed;

(c) define the classes of officers to be appointed to perform any duty under this Regulation and the powers to be exercised by such officers;

(d) provide for and regulate the procedure to be followed by those officers in the conduct of proceedings under this Regulation;

(e) provide for the publication of all notifications issued under this Regulation and for the form, issue and service of all orders, communications and notices to be issued, communicated, given or served under this Regulation;

(f) regulate the furnishing of survey marks, labour and other matters necessary to surveys notified under this Regulation and the recovery of charges incidental thereto where they are recoverable;

(g) provide for the fees payable for processes issued and copies granted under this Regulation;

(h) provide for the manner in which arbitrators are to be appointed and regulate the procedure to be followed by them;

(i) provide for all other matters expressly required or allowed by this Regulation to be prescribed.

Repeal.

21. If immediately before the commencement of this Regulation there is in force in the whole or any part of the Islands any law corresponding to this Regulation, that law shall on such commencement stand repealed.

RAJENDRA PRASAD,
President.

G. R. RAJAGOPAUL, Secy.